

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

ROBERT LOXTON, et al.,

Defendants.

NO: CV-13-417-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80299-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANTS JIM SEVILLE AND
MARLEN SEVILLE

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

1 Attorneys for
Judgment Creditor: Witherspoon Kelley

2 Judgment Debtor: Jim Seville and Marlen Seville

3 Attorney for Judgment
4 Debtor: Pro Se

5 Judgment Amount: \$69,852.57 USD

6 Interest on Judgment: .11% (28 U.S.C. § 1961)

7 The Court, having previously entered an Order Granting Plaintiff's Motion
8 for Entry of Default and being fully advised in the premises,

9 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
10 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
11 Trustee for LLS America, LLC, shall have a judgment against Defendants Jim
12 Seville and Marlen Seville as follows:

13 1. Monetary Judgment in the amount of CAD \$69,602.57 USD, pursuant to
14 11 U.S.C. § 550 and RCW 19.40.071;

15 2. Transfers in the amount of CAD \$69,602.57 USD made to the
16 Defendants within four years prior to the Petition Filing Date are hereby avoided
17 and Plaintiff may take all necessary action to preserve the same, pursuant to 11
18 U.S.C. §§ 544, 550, 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and
19 RCW 19.40.071;

1 3. All said transfers to Defendants Jim Seville and Marlen Seville are
2 hereby set aside and Plaintiff shall be entitled to recover the same, or the value
3 thereof, from Defendants Jim Seville and Marlen Seville for the benefit of the
4 estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550, and 551;

5 4. All proofs of claim of Defendants Jim Seville and Marlen Seville which
6 have been filed or brought or which may hereafter be filed or brought by, on behalf
7 of, or for the benefit of Defendants Jim Seville and Marlen Seville or their
8 affiliated entities, against the Debtor's estate, in this bankruptcy or related
9 bankruptcy proceedings, are hereby disallowed and subordinated to the monetary
10 judgment granted herein, and Defendants Jim Seville and Marlen Seville shall not
11 be entitled to collect on their proof of claim (Claim No. 344) until the monetary
12 judgment is satisfied by Defendants Jim Seville and Marlen Seville in full,
13 pursuant to 11 U.S.C. §§ 502(d), 510(c)(1), and 105(a);

14 5. A constructive trust is hereby established over the proceeds of all
15 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

16 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00
17 USD, for a total judgment of CAD \$69,852.57 USD, which shall bear interest
18 equal to the weekly average of one-year constant maturity (nominal) treasury yield
19 as published by the Federal Reserve System.

1 The District Court Clerk is directed to enter this Judgment and provide
2 copies to counsel and to pro se defendants, and **terminate Jim Seville and Marlen**
3 **Seville as defendants in this case.**

4 **IT IS SO ORDERED.**

5 **DATED** this 31st day of March 2014.

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7 *s/ Rosanna Malouf Peterson*
8 ROSANNA MALOUF PETERSON
9 Chief United States District Court Judge
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